

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION No.1554 of 2005

Between:

N. Adi Reddy, S/o. Sri N. Malla Reddy,
R/o. Narayanapur Village, Gangadhara Mandal, Karimnagar
District.

..... PETITIONER

AND

The Mandal Revenue Officer, Gangadhara Mandal,
Karimnagar District.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or direction one in the nature of the writ of Mandamus setting aside the proceedings No. B/367/2004, dt. 24-1-2005 issued by the respondent as arbitrary, illegal, and un-constitutional.

Counsel for the Petitioner:MR.N.MUKUNDA REDDY

Counsel for the Respondent : GP FOR REVENUE

The Court at the stage of admission made the following :

ORDER:

This writ petition is filed aggrieved by the notice issued by the respondent-Mandal Revenue Officer, Gangadhara Mandal, Karimnagar District, dated 24.01.2005.

A perusal of the impugned notice shows that it is nothing but a show cause notice issued under Section 7 of the Andhra Pradesh Land Encroachment Act, 1905(for short "the Act"), whereunder the petitioner was called upon to submit a written explanation on or before 07.02.2005 as to why he should not be dispossessed from the schedule mentioned property.

In the circumstances, even assuming that the petitioner is an encroacher, unless an order under Section 6 of the Act is passed, he cannot be dispossessed from the land in question and therefore, the writ petition is premature. However, learned counsel for the petitioner submits that there is a threat of immediate dispossession and therefore, the petitioner's possession may be protected.

In the circumstances, while granting liberty to the petitioner to submit necessary explanation before the respondent in response to the impugned notice dated 24.01.2005, whereupon appropriate orders in accordance with law shall be passed by the respondent, it is made clear that the petitioner shall not be dispossessed from the land in question in the absence of any order under Section 6 of the Act.

With the above clarification, the writ petition is disposed of. No costs.

03.02.2005

Note: Furnish C.C. by tomorrow.

(B/O)

Sh

To

1. The Mandal Revenue Officer, Gangadhara Mandal,
Karimnagar District.
- 2 Two C.Cs to the G.P. for Revenue, High Court Buildings,
Hyderabad (OUT).
- 3 Two CD copies